

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHANNON PHILLIPS,

Plaintiff,

v.

STARBUCKS CORPORATION,

Defendant.

CIVIL ACTION
NO. 19-19432

ORDER

AND NOW, this 4th day of August 2023, upon consideration of the letter dated August 3, 2023 from Richard Harris, Esquire, counsel for Defendant, and the letter dated August 3, 2023 from Laura C. Mattiaci, Esquire, counsel for Plaintiff, it is **ORDERED** as follows:

1. The requests in the letter from counsel for Defendant are denied.¹

¹ Defendant requests the opportunity to file a short response in opposition to Plaintiff's memorandum on economic loss. Defendant characterizes Plaintiff's memorandum as a "Response in Opposition" to Defendant's memorandum on economic loss "rather than an affirmative submission in favor of her damages." Defense counsel also requests "oral argument on the issue of economic loss and the matters raised in the briefing." As Plaintiff notes in her letter, near the conclusion of the evidentiary hearing held on July 19, 2023 on economic loss, the Court set a briefing scheduling for both sides to simultaneously submit memoranda on their positions on economic loss based on the evidence adduced at the hearing. No objection to this procedure was made. The date set was July 28, 2023 and neither side objected to the date. On July 25, 2023, the Court entered an Order (Doc. No. 173) with several briefing schedules, ordering as follows in paragraph 1: "[c]ounsel for each party shall file memoranda on economic loss by July 28th, 2023. No responses to the memoranda are required." (*Id.*) Thereafter, the memoranda were timely filed on July 28, 2023 and on August 3, 2023 defense counsel's new requests were made in the letter emailed to the Court and opposing counsel. Based on the evidence adduced at the evidentiary hearing by both parties, it is evident that either side could have anticipated the arguments on economic loss of the opponent, and in support of a party's position argued in opposition to it. In addition, to afford one party the opportunity to file a response would require the same opportunity to be afforded to the other side. This and setting a date for oral argument would unnecessarily prolong the litigation. Further, this Court ordered that no responses were required. For all these reasons, the requests made in the letter dated August 3, 2023 from Defendant will be denied.

2. The Clerk of Court shall docket the attached letters from Richard Harris, Esquire and Laura C. Mattiaci, Esquire.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.